

REMARKS

STATUS OF THE CLAIMS

Claims 1-37 are pending in the application.

Claims 1, 2, 4-27, 29, 31, 33-34, 36 and 37 are allowed.

Claims 28-30, 32, 34, 36, and 37 were objected to due to informalities, as indicated.

Claims 3, 28, 30, 32, and 35 were rejected under 35 U.S.C. 102(e) as being anticipated by Buhler et al. (U.S. Patent No. 6,404,741).

According to the foregoing, rejected claims 3, 28, 30, 32 and 35 are cancelled without disclaimer or prejudice. Objected to and allowed claims 29, 34, 36 and 37 are amended taking into consideration the Examiner's comments. Thus, allowable claims 1, 2, 4-27, 29, 31, 33-34, 36 and 37 remain pending.

No new matter has been added.

OBJECTIONS

The objected to claims 29, 34, 36 and 37 are amended to comply with the objections for requirements as to form according to the previously not-entered after final amendment of September 15, 2005, pursuant to the Advisory Action of October 4, 2005.

Claim 29 is objected to because the expression "phone function control command" should be "phone call function control command." Claim 29 is amended accordingly. Withdrawal of the objection is respectfully requested.

Claims 34, 36 and 37 are objected to because of the expression "opposite party" allegedly being unclear. The expression "opposite party" has been amended to "~~an opposite~~a communicating party" for clarity. Withdrawal of the objection is respectfully requested.

In addition to the claim objections, in claim 37 a typographical error has been corrected as follows: "37. (CURRENTLY AMENDED) A computer readable recording medium whereon is recorded a packet-switched network multimedia phone communication control program ***controlling a packet-switched*** phone controller that is directly communicably connectable on a packet switched network with a packet-switched phone via respective packet-switched input/output interfaces, according to a process comprising." Approval and entry of this claim

amendment is also respectfully requested.

ENTRY OF THIS AMENDMENT

Applicant(s) request(s) entry of this 37 CFR 1.116 Amendment because:

(a) the rejected claim(s) have been canceled with only allowable claims pending as indicated by the Examiner in the final Office Action;

(b) it is believed that the amendment of objected to allowed claims(s) 29, 34, 36 and 37 overcome the objections and the amendments do not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and/or

(c) the amendment(s) to objected to claims 29, 34, 36 and 37 do not significantly alter the scope of the claims and place the application at least into a better form for appeal. No new features or new issues are being raised.

The MPEP sets forth in §714.12 that “[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered. Also, amendments complying with objections or requirements as to form are to be permitted after final action in accordance with 37 CFR 1.116(b). Ordinarily, amendments filed after the final action are not entered unless approved by the examiner. See MPEP 706.07(f), 714.13 and 1207.” Moreover, §714.13 sets forth that “[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified.” In the present application the rejected claims are cancelled, objected to and allowed claims are amended to overcome/comply with the objections, such that only allowed claims remain pending to place the application in condition for allowance, which is respectfully requested.

The Examiner approved this Amendment and the claim amendments concerning compliance with the objections and entry thereof when submitted to the USPTO, pursuant to a telephone conference on October 13, 2005.


There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

CONCLUSION

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
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